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* Admitted only in Maryland
* Admitted only in Virginia
* Practice Limited to Federal Agencies

May 17, 2004

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Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Art Unit 1652

Re: U.S. Utility Patent Application
Application No. 10/761,278; Filed: January 22, 2004
For: **Method Capable of Increasing Competency of Bacterial Cell Transformation**
Inventors: Donahue *et al.*
Our Ref: 0942.4710003/RWE/FRC

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Information Disclosure Statement;
2. Listing of the cited documents on Form PTO-1449 (23 sheets); and
3. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Frank R. Cottingham
Attorney for Applicants
Registration No. 50,437

FRC/shr
Encls.

SKGF_263701.1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

DONAHUE *et al.*

Appl. No.: 10/761,278

Filed: January 22, 2004

For: **Method Capable of Increasing
Competency of Bacterial Cell
Transformation**

Confirmation No.: 3164

Art Unit: 1652

Examiner: *To be assigned*

Atty. Docket: 0942.4710003/RWE/FRC

Information Disclosure Statement

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Copies of the documents were cited by or submitted to the Office in an IDS that complies with 37 C.F.R. § 1.98(a)-(c) in Application No. 09/895,202, filed July 2, 2001, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.


This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Frank R. Cottingham
Attorney for Applicants
Registration No. 50,437

Date: MAY 17, 2004

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Washington, D.C. 20005-3934
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FORM PTO-1449 INFORMATION DISCLOSURE STATEMENT	ATTY. DOCKET NO. 0942.4710003/RWE/FRC	APPLICATION NO. 10/761,278
	APPLICANT Donahue et al.	
	FILING DATE January 22, 2004	GROUP 1652

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	AA1	3,843,453	10/22/1974	Freake, et al.			03/02/1973
	AB1	4,038,143	07/26/1977	Juni			08/15/1975
	AC1	4,446,230	05/01/1984	Zubrzycki			10/30/1981
	AD1	4,520,019	05/28/1985	Ribi, et al.			03/19/1984
	AE1	4,681,852	07/21/1987	Tribe			01/18/1983
	AF1	4,808,404	02/28/1989	Bhogal			01/11/1988
	AG1	4,824,938	04/25/1989	Koyama, et al.			08/31/1987
	AH1	4,851,348	07/25/1989	Hanahan			07/16/1986
	AI1	4,891,319	01/02/1990	Roser			05/07/1987
	AJ1	4,950,609	08/21/1990	Tischer, et al.			03/27/1986
	AK1	4,981,797	01/01/1991	Jessee, et al.			11/14/1988

FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION
	AL1	AU-A-27434/88	06/29/1989	Australia			Yes No
	AM1	EP 0 383 569 A2	08/22/1990	Europe			Yes No
	AN1	EP 0 508 496 A1	10/14/1992	Europe			Yes No
	AO	WO 98/49266	11/05/1998	WIPO			Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)			
	AR	<u>1</u>	Anderson, D.M.W. and I.C.M. Dea, "Recent advances in the chemistry of Acacia gums," J. Soc. Cosmet. Chem. 22:61-76, Society of Cosmetic Chemists of Great Britain (1971).
	AS	<u>1</u>	Alexander, D.C. et al., "A simplified and efficient vector-primer cDNA cloning system," Gene 31:79-89, Elsevier Science (1984).
	AT	<u>1</u>	Chung, C.T. et al., "One-step preparation of competent <i>Escherichia coli</i> : Transformation and storage of bacterial cells in the same solution," Proc. Natl. Acad. Sci. USA 86:2172-2175, The National Academy of Sciences (1989).

EXAMINER	DATE CONSIDERED
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	AA2	5,045,446	09/03/1991	Goodrich, Jr., et al.			07/11/1989
	AB2	5,059,518	10/22/1991	Kortright, et al.			10/20/1988
	AC2	5,098,893	03/24/1992	Franks, et al.			02/12/1990
	AD2	5,292,507	03/08/1994	Charley			09/14/1992
	AE2	5,425,951	06/20/1995	Goodrich, Jr., et al.			05/31/1991
	AF2	5,512,468	04/30/1996	Greener			11/22/1993
	AG2	5,891,692	04/06/1999	Bloom, et al.			03/27/1997
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FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	2	Cosloy, S.D. and M. Oishi, "Genetic Transformation in <i>Escherichia coli</i> K12," <i>Proc. Natl. Acad. Sci. USA</i> 70:84-87, The National Academy of Sciences (1973).
	AS	2	Cronan, Jr., J.E., "Thermal Regulation of the Membrane Lipid Composition of <i>Escherichia coli</i> ," <i>J. Biol. Chem.</i> 250:7074-7077, American Society for Biochemistry and Molecular Biology (1975).
	AT	2	Crowe, J.H. et al., "Stabilization of dry phospholipid bilayers and proteins by sugars," <i>Biochem. J.</i> 242:1-10, American Chemical Society (1987).

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	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>3</u>	Danilevskaya, O.N. and A.I. Gragerov, "Curing of <i>Escherichia coli</i> K12 Plasmids by Coumermycin," <i>Molec. Gen. Genet.</i> 178:233-235, Springer Verlag (1980).
	AS	<u>3</u>	de Mendoza, D. et al., "Overproduction of <i>cis</i> -Vaccenic Acid and Altered Temperature Control of Fatty Acid Synthesis in a Mutant of <i>Escherichia coli</i> ," <i>J. Bacteriol.</i> 151:1608-1611, American Society for Microbiology (1982).
	AT	<u>3</u>	de Mendoza, D. et al., "Thermal Regulation of Membrane Fluidity in <i>Escherichia coli</i> ," <i>J. Biol. Chem.</i> 258:2098-2101, American Society for Biochemistry and Molecular Biology (1983).

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	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>4</u>	de Mendoza, D. and J.E. Cronan, Jr., "Thermal regulation of membrane lipid fluidity in bacteria," <i>TIBS</i> 8:49-52, Elsevier Science (1983).
	AS	<u>4</u>	Dityatkin, S. Ya. and B.N. Il'yashenko, "Acceptor properties of freeze-thawed bacteria in relation to isolated plasmid DNA," <i>Chem. Abs.</i> 89:295, Abstract No. 176192r, The American Chemical Society (1978).
	AT	<u>4</u>	Dityatkin, S.Ya. and B.N. Ilyashenko, "Frozen and thawed bacteria as recipients of isolated phage and plasmid DNA," <i>Chem. Abs.</i> 90:322, Abstract No. 183010d, The American Chemical Society (1979).

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	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>5</u>	Dutyatkin, S. Ya. and B.N. Il'yashenko, "Chromosomal transformation of frozen-thawed bacteria," <i>Chem. Abs.</i> 90:286-287, Abstract No. 148301c, The American Chemical Society (1979).
	AS	<u>5</u>	Gombos, Z. et al., "Unsaturation of fatty acids in membrane lipids enhances tolerance of the cyanobacterium <i>Synechocystis</i> PCC6803 to low-temperature photoinhibition," <i>Proc. Natl. Acad. Sci. USA</i> 89:9959-9963, The National Academy of Sciences (1992).
	AT	<u>5</u>	Green, J.L. and C.A. Angell, "Phase Relations and Vitrification in Saccharide-Water Solutions and the Trehalose Anomaly," <i>J. Phys. Chem.</i> 93:2880-2882, American Chemical Society (1989).

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	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)			
	AR	<u>6</u>	Hanahan, D., "Techniques for Transformation of <i>E. coli</i> ," in <i>DNA cloning. Volume I. a practical approach</i> , Glover, D.M., ed., IRL Press Limited, Oxford, England, pp. 109-135 (1985).
	AS	<u>6</u>	Hanahan, D. et al., "Plasmid Transformation of <i>Escherichia coli</i> and Other Bacteria," <i>Meth. Enzym.</i> 204:63-113, Academic Press, Inc. (1991).
	AT	<u>6</u>	Hatley, R.H.M. et al., "The Stabilization Of Labile Biochemicals By Undercooling," <i>Process Biochem.</i> 22:169-172, Elsevier Science Ltd. (1987).

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	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	7	Hatley, R.H.M. and F. Franks, "Variation in Apparent Enzyme Activity in Two-Enzyme Assay Systems: Phosphoenolpyruvate Carboxylase and Malate Dehydrogenase," <i>Biotechnol. & Appl. Biochem.</i> 11:367-370, Portland Press Ltd. (1989).
	AS	7	Heckly, R.J. and J. Quay, "A Brief Review of Lyophilization Damage and Repair in Bacterial Preparations," <i>Cryobiology</i> 18:592-597, Academic Press Inc. (1981).
	AT	7	Konev, S.V. et al., "Membrane-structural mechanism of the development of competence in <i>Escherichia coli</i> cells to calcium-dependent transfection by bacteriophage λ DNA," <i>Chem. Abs.</i> 89:295, Abstract No. 176191q, The American Chemical Society (1978).

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	AL						Ye N
	AM						Ye N
	AN						Ye N
	AO						Ye N
	AP						Ye N

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>8</u>	Lin, J.-J. and J. Kuo, "AFLP™: A Novel PCR-Based Assay for Plant and Bacterial DNA Fingerprinting," <i>Focus</i> 17:66-70, Invitrogen Corporation (1995).
	AS	<u>8</u>	<i>Merck Index: An Encyclopedia of Chemicals, Drugs, and Biologicals</i> , 11th edition, Budavari, S. et al., eds., Merck & Co., Inc., Rahway, NJ, p. 3 (1989).
	AT	<u>8</u>	Morrison, D.A., "Transformation and Preservation of Competent Bacterial Cells by Freezing," <i>Meth. Enzym.</i> 68:326-331, Academic Press, Ltd. (1979).

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	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)			
	AR	<u>2</u>	Polisky, B. et al., "Specificity of substrate recognition by the <i>EcoRI</i> restriction endonuclease," <i>Proc. Natl. Acad. Sci. USA</i> 72:3310-3314, The National Academy of Sciences (1975).
	AS	<u>2</u>	Pope, B. and H.M. Kent, "High efficiency 5 min transformation of <i>Escherichia coli</i> ," <i>Nucleic Acids Res.</i> 24:536-537, Oxford University Press (1996).
	AT	<u>9</u>	Reusch, R.N. et al., "Poly- β -Hydroxybutyrate Membrane Structure and Its Relationship to Genetic Transformability in <i>Escherichia coli</i> ," <i>J. Bacteriol.</i> 168:553-562, American Society for Microbiology (1986).

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OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>10</u>	Simione, Jr., F.P., "Key Issues Relating to the Genetic Stability and Preservation of Cells and Cell Banks," <i>J. Parenteral Sci. & Technol.</i> 46:226-232, Parental Drug Association, Inc. (1992).
	AS	<u>10</u>	Suzuki, M. and A.A. Szalay, "Bacterial Transformation Using Temperature-Sensitive Mutants Deficient in Peptidoglycan Synthesis," <i>Meth. Enzym.</i> 68:331-342, Academic Press (1979).
	AT	<u>10</u>	Tang, X. et al., "The optimization of preparations of competent cells for transformation of <i>E. coli</i> ," <i>Nucleic Acids Res.</i> 22:2857-2858, Oxford University Press (1994).

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	AP						Yes No

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	AR	<u>11</u>	Trinh, T. et al., "STBL2™: An <i>Escherichia coli</i> Strain for the Stable Propagation of Retroviral Clones and Direct Repeat Sequences," <i>FOCUS</i> 16:78-80, Invitrogen Corporation (1994).
	AS	<u>11</u>	Ulrich, A.K. et al., "Genetic and Biochemical Analyses of <i>Escherichia coli</i> Mutants Altered in the Temperature-Dependent Regulation of Membrane Lipid Composition," <i>J. Bacteriol.</i> 154:221-230, American Society for Microbiology (1983).
	AT	<u>11</u>	van Die, I.M. et al., "Transformation in <i>Escherichia coli</i> : Studies on the Role of the Heat Shock in Induction of Competence," <i>J. Gen. Microbio.</i> 129:663-670, Society for General Microbiology (1983).

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	AR	<u>12</u>	Wada, H. et al., "Contribution of membrane lipids to the ability of the photosynthetic machinery to tolerate temperature stress," <i>Proc. Natl. Acad. Sci. USA</i> 91:4273-4277, The National Academy of Sciences (1994).
	AS	<u>12</u>	Weisburd, S., "Death-Defying Dehydration. Sugars sweeten survival for dried-out animals, membranes and cells," <i>Science News</i> 133:107-110, Science Services (1988).
	AT	<u>12</u>	Life Technologies, Inc. 1993-94 Catalogue and Reference Guide, GIBCO BRL, Gaithersburg, MD, pub., pp. 6-10 and 9-4 (1993).

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	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)			
	AR	<u>13</u>	Bullock, W.O. et al., "XL1-Blue: A High Efficiency Plasmid Transforming recA <i>Escherichia coli</i> Strain With Beta-Galactosidase Selection," <i>BioTechniques</i> 5:376-378, Eaton Publishing Co. (1987).
	AS	<u>13</u>	Cohen, S.N. et al., "Nonchromosomal Antibiotic Resistance in Bacteria: Genetic Transformation of <i>Escherichia coli</i> by R-Factor DNA," <i>Proc. Natl. Acad. Sci. USA</i> 69:2110-2114, National Academy of Sciences (1972).
	AT	<u>13</u>	Dagert, M. and Ehrlich, S.D., "Prolonged Incubation In Calcium Chloride Improves The Competence Of <i>Escherichia coli</i> Cells," <i>Gene</i> 6:23-28, Elsevier/North-Holland Biomedical Press (1979).

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	AR	<u>14</u>	Dente, L. et al., "pEMBL: a new family of single stranded plasmids," <i>Nucleic Acids Res.</i> 11:1645-1655, IRL Press Limited (1983).
	AS	<u>14</u>	Dower, W.J. et al., "High efficiency transformation of <i>E.coli</i> by high voltage electroporation," <i>Nucleic Acids Res.</i> 16:6127-6145, IRL Press Limited (1988).
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	AR	<u>15</u>	Hamrick, J.L. and R.W. Allard., "Microgeographical Variation in Allozyme Frequencies in <i>Avena barbata</i> ," <i>Proc. Natl. Acad. Sci USA</i> 69:2100-2104, The National Academy of Sciences (1972).
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	AT	<u>15</u>	Hanahan, D. and F.R. Bloom, "Mechanisms of DNA Transformation," in <i>Escherichia coli and Salmonella</i> , Neidhardt, F.C. et al., eds., Cellular and Molecular Biology, ASM Press, Washington, DC., pp. 2448-2459, (1996).

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	AR	<u>16</u>	Inoune, H. et al., "High efficiency transformation of <i>Escherichia coli</i> with plasmids," <i>Gene</i> 96:23-28, Elsevier (1990).
	AS	<u>16</u>	Kushner, S.R., "An Improved Method For Transformation of <i>Escherichia Coli</i> With ColE1 Derived Plasmids," Paper (distributed at meeting) from Proceedings of the International Symposium on Genetic Engineering: Scientific Developments and Practical Applications, Milan, Italy, March 29-31, 1978.
	AT	<u>16</u>	Levinson, A. et al., "Minimal Size Plasmids Containing an M13 Origin for Production of Single-Strand Transducing Particles," <i>J. Mol. Applied Genet.</i> 2:507-517, Raven Press (1984).

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	AR	<u>17</u>	Liss, L.R., "New M13 Host:DH5 α F' Competent Cells," <i>Focus</i> 9:13, Invitrogen Corporation (1987).
	AS	<u>17</u>	Liu, H. and Rashidbaigi, A., "Comparison of Various Competent Cell Preparation Methods for High Efficiency DNA Transformation," <i>BioTechniques</i> 8:21-25, Eaton Publishing Co. (1990).
	AT	<u>17</u>	Mandal, M. and Higa, A., "Calcium-dependent Bacteriophage DNA Infection," <i>J. Mol. Biol.</i> 53:159-162, Academic Press Ltd. (1970).

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	AR	<u>18</u>	Meselson, M. and R. Yuan, "DNA Restriction Enzyme from <i>E. coli</i> ," <i>Nature</i> 217:1110-1114, Nature Publishing Group (1968).
	AS	<u>18</u>	Messing, J., "M13mp2 And Derivatives: A Molecular Cloning System For DNA Sequencing, Strand-Specific Hybridization, And <u>In Vitro</u> Mutagenesis," in <i>Recombinant DNA. Proceedings of the Third Cleveland Symposium on Macromolecules, Cleveland, Ohio, 22-26 June 1981</i> , Walton, A.G., ed., Elsevier Scientific Publishing Co., Amsterdam, The Netherlands, pp. 143-153 (1981).
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OTHER (Including Author, Title, Date, Pertinent Pages, etc.)			
	AR	<u>19</u>	Newman, T. et al., "Cloning and Expression of the <i>ilvB</i> Gene of <i>Escherichia coli</i> K-12," <i>Mol. Gen. Genet.</i> 186:378-384, Springer-Verlag (1982).
	AS	<u>19</u>	Norgard, M.V. et al., "Factors Affecting The Transformation Of <i>Escherichia coli</i> Strain χ 1776 By pBR322 Plasmid DNA," <i>Gene</i> 3:279-292, Elsevier/North-Holland Biomedical Press (1978).
	AT	<u>19</u>	Old, R.W. and Primrose, S.B., "Cloning strategies, gene libraries and cDNA cloning; Recombinant Selection; Expression of cloned DNA molecules," in <i>Principles of Gene Manipulation</i> , Carr N.G., ed., Blackwell Scientific Publications, Osney Mead, Oxford, pp. 100-166 (1994).

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	AP						Yes No

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	AR	<u>20</u>	Old, R.W. and Primrose, S.B., "An Introduction to Genetic Engineering," in <i>Principles of Gene Manipulation. An Introduction To Genetic Engineering</i> , Carr, N.G., ed., Blackwell Science, Osney Mead, Oxford, pp. 6-21 (1995).
	AS	<u>20</u>	Potter, H., "Electroporation in Biology: Methods, Applications, and Instrumentation," <i>Analyt. Biochem.</i> 174:361-373, Academic Press, Inc. (1988).
	AT	<u>20</u>	Sambrook, J. et al., "Preparation and Transformation of Competent E. Coli," in <i>Molecular Cloning</i> , Sambrook, J., Fritsch, E.F., and Maniatis, T., eds., Cold Spring Harbor Laboratory Press, Cold Spring Harbor, New York, pp. 1.74-1.84 (1989).

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	AR	<u>21</u>	Sambrook, J. et al., "Plasmid Vectors," in <i>Molecular Cloning</i> , Sambrook, J., Fritsch, E.F., and Maniatis, T., eds. Cold Spring Harbor Laboratory Press, Cold Spring Harbor, New York, p. 1.14 (1989).
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	AT	<u>21</u>	Taketo, A., "Sensitivity of <i>Escherichia coli</i> to Viral Nucleic Acid, X, Ba ²⁺ - Induced Competence for Transfecting DNA," <i>Z. Naturforsch. Sect. C</i> 30:520-522, Springer-Verlag (1975).

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	AR	<u>22</u>	Taketo, A., "Sensitivity of <i>Escherichia coli</i> to Viral Nucleic Acid, XII. Ca ²⁺ - or Ba ²⁺ -Facilitated Transfection of Cell Envelope Mutants," <i>Z. Naturforsch. Sect. C</i> 32:429-433, Springer-Verlag (1977).
	AS	<u>22</u>	Tucker, W.T., et al., "Structural and Functional Analysis of the <i>par</i> Region of the pSC101 Plasmid," <i>Cell</i> 38:191-201, MIT (1984).
	AT	<u>22</u>	Vieira, J. and Messing, J., "Production of Single-Stranded Plasmid DNA," <i>Methods Enzymol.</i> 153:3-11, Academic Press, Inc. (1987).

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